

36. (New Claim) The magnetic recording medium as claimed in claim 33,
further comprising a protection layer formed on the magnetic recoding layer.

REMARKS

Claims 1-6 and 19-25 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 13, 14, 16, and 18-23 of copending application Serial No. 09/938,032.

In response, enclosed herewith is an executed "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application." Also enclosed is a check for \$110.00 to cover the fee designated under 37 C.F.R. § 1.20(d). In addition, Applicants submit that both the instant application and application Serial No. 09/938,032 are commonly assigned to Fujitsu Limited. The Assignment of the instant application was recorded on October 22, 1999 on Reel 010338 and Frame 0169, and since copending application Serial No. 09/938,032 is a Divisional of the instant application, its Assignment was recorded at the same time. Since all of the requirements under 37 C.F.R. § 1.321 are believed to have been met, Applicants respectfully request the withdrawal of this double patenting rejection of Claims 1-6 and 19-25.

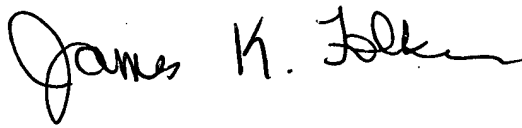
Finally, Applicants are also adding new Claims 26-36, which define the same subject matter as that defined in several of the claims of United States Patent No. 6,280,813.

These new claims have been added in anticipation of a requested interference between the above-named application and United States Patent No. 6,280,813.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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